

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------|---|-------------------------------|
| SAMMY INARRITO, | : | CIVIL NO. 3:17-CV-0489 |
| | : | |
| Plaintiff | : | (Chief Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| CAPTAIN DAVID ALTIZER | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 28th day of September, 2018, for the reasons set forth in the court's memorandum of the same date, it is hereby ORDERED that:

1. This action is DISMISSED pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a court order.
2. Defendant Altizer's motion to dismiss (Doc. 14) is DISMISSED as moot.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania